P 725-98

G. R. S. IX-5]

Previous references.

1897-98

~~191~~

(L. R.)

File No. 83-97.

Serial Nos. 1-7.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7.

In ~~Part~~ B for September 1898.

SUBJECT.

Appeal of Kallappara Ippaiya of Nayakanahalli Village Chikkajere Taluk regarding his Pakki Claim.

Indexed W/

Terminated P/

W D 1250—GPB—30,000—28-1-19

Note.

Appeal No. 57 of 1897-98.

Appellant:—
Kallappana Siddaiya
of Nayakanhatti
Chikkakere Taluk.

Respondent:—
Sidda, minor by guardian
Nijjanna.

This is an appeal against the order of the Deputy Commr of Chitaldrug, rejecting the appellant's claim to the Patli of Nayakanhatti, and affirming the respondent to the same office.

The extract from the Patli Register of 1865-66 shows that Kallaiya and Malakappa were the officiating Patlis of the village from 1845-47, that

Note:— The respondent's appeal and the papers referred to therein have been called for from the Dy Commr. They have not yet been received.

5- On 30th June 1897, Kallaffas Tiffaiga (appellant) claimed the office as a registrar, urging that he had as much right to the office as Kallaffas, that as he was young when the office was registered in his name in 1874, and as Kallaffas deceased who was working with his grandfather had 16 years' experience, he (Kallaffas) alone held the office, and that as then he was dead and as the appellant was literate and competent to hold the office he should be appointed to it.

6. On 10th August 1897, the Amidian reported to the deputy commr to the effect that as K. Tiffaiga was only office for 21 years his claim could not be considered in a summary proceeding

and

Siddha, and for the appointment of the Nāraingāpha as gumasta to do duty during Siddha's minority.

3. The Tippaiya grandson of the deceased Patel's brother presented a petition to the Amildar praying that the office might be registered in his name and in that of Siddha, and that he might be permitted to do duty as gumasta during Siddha's minority.

4. On 21st March 1877 the marginally noted Kiseadars of the deceased Kōtrāppa presented a petition to the Amildar protesting against the appointment of a stranger to do duty as gumasta while they were competent to hold the office.

1. Rudrappa
2. S. Tippaiya
3. Mallikarjunaiya
4. Kotrappa
5. Nagalingappa.

subsequently Malakappa was succeeded by his brother, Kolrappa who died duly jointly with Kallaya, that in December 1874 on the representation of Kallappa (or Kallaya), his grandson Siddaya (appellant) was appointed in his place, and that in September 1875, Siffaya who had held the office only for 10 months was removed from it and Kolrappa who had held it for 16 years was made the sole Patel.

2. Kolrappa died on the 30th January 1877 leaving the heirs noted in the margin. A few days afterwards, his son Siffaya, who was insane, also died. Siffamma petitioned the Amildar and prayed for registry of the office in the name of her eldest grandson Sidda

The additional Revenue realized from the 3 Gowda Inam that the Amildar reported (it is not clear in what connection) that Siffaya had been Patel only for 10 months whereas the Kolrappa had been Patel for 16 years, that though the former was only a nominal Patel, his keeping the office gave room to the latter to shirk responsibility and that only one Patel was sufficient for the village. In this report, the 3rd Gowda is also described

Siffaya's removal and appointment Kolrappa as sole Patel.

At the Public Policy Settlement in 1877-78, Kolrappa was confirmed.

Kolrappa
= Eppamma
|
Siffaya
= Siffamma
|
Sidda Channabasappa Kolrappa

and that he declined to act as Gumasta, that the office might be registered in the name of Siddu, the eldest grandson of the deceased Patil, that he did not wish to prefer to appoint Nijjappa Ramappa to the Gumastaship as he was the close relative of the Shanbhog of the village, and that Siddappa nephew of the deceased might be appointed Gumasta.

7. Nijjappa presented a petition to the Deputy Commr protesting against the appointment of any Lingayat as Gumasta on the ground that the Lingayats were not on good terms with her.

8 On 3rd September 1897, the Deputy Commr after hearing the parties and the Linguists rejected the appellant's claim

on the ground that he ceased
to do anything with the
Patel since the Patel's settlement
and directed the office to
be registered in the name of
minor Linda. Further, he
allowed Lijjamma to nominate
competent guardian from
among her close relations.

9. Lijjamma having nominated
the Saranappa, maternal
uncle of the minor Patel, the
Deputy Commr appointed him
temporarily to do duty as guardian.

10 K. Lijjamma now appeals against
the Dy Commrs order of 3rd Sept: 87,
and urges, -

(1) that the Dy Commr ought
not to have dealt with
his claim as summarily

(2) that mere cessation to
work should not govern
such

such cases,

(3) that the office being a hereditary one, every holder must be given a chance to officiate,

(4) that the above principle is recognised in G.of.I. Resns Nos. 1026-75 and 1055 R. 1055 P.71-95 dated 3rd January 94 and 3rd July 95, respectively,

(5) that it is unjust to appoint a Gumasta, when there is a hereditary incumbent to do duty,

(6) that the appellant is literate and well qualified to hold the office, and

(7) that he might be appointed to officiate as Patel.

Printed case not filed.

SV. 4/6/98

The appellant was appointed Joint Patel for 10 months before

September 875 (when probably the
potya settlement took place)
He has slept over his rights for any
for about 22 years
of the two proceedings of Gool,
referred to by the appellant,
the later proceeding is not
favourable to the ~~pet~~ appellant's
claim. This order which
explains the earlier order of 1894 was
passed with the approval of
the Dewan
The appellant does not apparently
desire to be appointed as guardian

4/12/95

Before the Government of Mysore.

Appeal No. 57 of 1897-98.

Appellant.	Respondent.
Kallappana Lingaya of Vāgarahalli Challakere Taluk.	Siddalingaya by guardian Ujjanna.

Appeal against the order of the Deputy Commissioner of Chitaldrug rejecting appellant's claim to the Patel of Vāgarahalli.

Posted to the 20th June
for 5th Council for
hearing
by 4/6/98

Case Read
6/6/98

7-6-98

Before the Government of Mysore.

Appeal No. 57 of 1897-98

Appellant.	Vs.	Respondent.
K. Siddaraja of Nayakanahatti, Challakere Taluk		Sidda, minor, by guardian Nijamma

~~Dismissed~~

27. 6. 1898.

a/c/d 6- 8th August 1898.

28/6/98

Notices served.
8. 8. 98.

Appellant's Pleader

Appellt — admits that he has been out of prison for 17 years
But Appellant's sons have been
2 patels for a long time & that
he is a thuk dar
Present Pleader is descended from
the Brahmin of 1875

order received
12 8/8/98

1893-97

1893

768 of 97

Name of Petitioner Kallapiranadi

Village Nallanadu

Taluk Cheikere

District Chittalabrug

Date of Arzi 5-1-98

Date of Receipt 5-1-98

Date of Disposal

Enclosure 2-

ABSTRACT

the above arrangement the
office fell to the Lands of Kotagala
who discharged the duties till
his death in the early part of 1807.
that on the application of the
appellant for the vacant, both
the Dyaves without considering
his claims decided accordingly
that the Dyaves appointed
one Seidoraja a boy of ten
years of age & a grandson of
the deceased Kotagala as, katail
& directed that someone should
be appointed as gumasta till
the boy came of age — that
the reason, assigned by the Dyaves
that Sipparaja's renunciation of
all claims of the office doesn't form
a valid ground to deprive him
of his ancestral Rak, that the
grandfather of the appellant held
the office for 60 years while Seidoraja
ancestors enjoyed the same for 16 years
that the order of the Dyaves is
opposed to Jaffna Pro: Reg: 10267-75 & 83-1-94
& Reg: 155/971-95 83-7-95, that the order
to appoint a gumasta on behalf
of another minor newly installed
as katail is illegal, when a capable
relation is available to do the duties

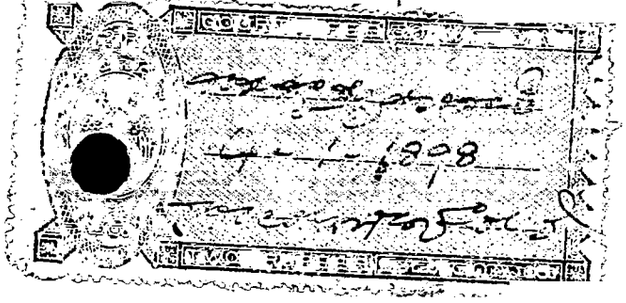
2

that the appellant possess
all qualifications required
for discharging the duties of
a potail having been x
Standing for 16 years - and
that he was laudable the duty
faithfully -

Prays that the order of
the Sessions may be set
aside as the appellant, being
1. the office as recommended
the Collector -

19/1/198 -

Two rupees Stamp affixed



N° 1768

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 1768 R
DATE 5-1-98

A.J. No. 57
97-98

To
The Commissioner
& Ex. Officio Revenue Secretary to Government
at Bangalore.

The humble petition of Kadirijana Debappa, residing at Nagekanahalli, Nagekanahalli Samsmat, Chikkanaikanahalli Union, Chitaldrug District

Respectfully Showeth,

That his grandfather Kallappa and one Lottappa were the hereditary patels of the above said village of Nagekanahalli.

2. That, so long ago as the year 1871, the latter has entered as a registered holder at the request of his grandfather (petitioners father), the said Kallappa as held appear from the Register of 1865-66, a certified copy of which is hereto appended.

3. That the petitioners father having the duties of the Patel with the said Kallappa till 1875. When it was decided that only one person should officiate, even though there were more than one hereditary patels.

4. That, in consequence of this decision, the petitioners father ceased to do the duties as usual with the said Kallappa and the latter alone was doing the duties till the beginning of the year 1897 when he died.

5. That the petitioner then applied to the Amildar that he must now be appointed to officiate, as the hereditary

Officiator

officiator was dead and so he also was a minor, but the Deputy Commissioner of the district refused to appoint him to officiate, though it was clear that he was a registered hak. lar.

6. That the Deputy Commissioner ordered that one Siddayya the grandson of the said deceased Nottayya, a boy of 10 years, must be registered as holder hakel in succession to Nottayya; and also ordered that a Gumasta must be appointed to do the duties during the boy's minority.

7. That the only reason assigned by the Deputy Commissioner for refusing to allow the humble petitioner to officiate is "Thayya the petitioner ceased to have any thing to do with the Patel since the Patta Kept. His claim cannot now be considered". The petitioner submits that this is not a sufficient and just reason for withholding the office of Patel from him who is legally entitled to it. At the time of the Patta Kept settlement it was not necessary for the petitioner to have put in his claim, as it was not known by anyone than this claim was examined into and, but only, he died not, as the death of Nesabhattappa, fixed an obligation to officiate. The commission at the time of the Patta Kept settlement to enquire the petitioner as one entitled to receive the patta to be valid reason to repel the petitioner's claim altogether he has not forfeited his right by this omission.

8. That the Deputy Commissioner, the petitioner submits, ought not to have thus summarily dealt with his claim. He is a hereditary hakel, and his grandfather Nottayya has long the duties to the entire satisfaction of the Government for a long period of 30 years, like his grandfather, the

learned

deceased Kottaiya, the grandfather of Seidaiyan who has been appointed the Registered Patti, was serving the Nattamai for about 56 years. The petitioner has aid the duties of the deceased Kottaiya; and he would have continued to officiate jointly with him, but for the circumstances stated in paragraphs 3 and 4 above and for the fact that he was a minor then.

9. That the petitioner submits that the rule enjoining to work since the Patta Act should not govern cases of the present kind in disposing of the office of the Patti. The office is a hereditary one, and all the heirdesses who are hereditarily entitled to it must be given a chance to officiate. This principle is to be always borne in mind in disposing of the office, wherever there is a necessity; and every facility must be afforded to the hereditary holders to enjoy the office in their otherwise, the hereditary characters of the office will remain, and the Public Service will thereby suffer.

10. That this order of the Deputy Commissioner is opposed to the Government Orders No. $\frac{226-95}{R\ 1055}$ dated 3rd January 1894 and No. $\frac{155}{R.J.-95}$ dated 3rd July 1895. These orders clearly recognize the principle that every hereditary must be given a chance to officiate.

11. That the Deputy Commissioner was directed a former to do the duties during the minority of Seidaiyan. This is also wrong. When there is a suitable capable of performing the duties, it is unjust for him and illegal as him to be directed a Gumasta to do the duties.

12. That the petitioner is able to read and write, and otherwise possesses all the qualifications necessary to discharge the duties to the entire satisfaction. He was doing the duties of Shanmugam for a period of 15 years and he has also lands in the village. The hereditary has therefore

very

very favourable answer.

The petitioner begs to say that the order
dated 9th instant, passed in the said case and the petitioner
effected and officiated in the said post of Agricultural

Inspector, will kindly be withdrawn and the petitioner will ever
pray &c

Bangalore
5th January 1925

MYSORE DEWAN'S OFFICE,

REVENUE DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

registered No. 1768 dated 5-1-98

[illegible] Thippaiya of Vaikunthatti village in Chamarajanagar Taluk, appealing against the order of the lower authorities, [illegible] in favour of the Patels of the above village

is forwarded, together with its [illegible] enclosures, to the Deputy Commissioner of the Chitaldrug District for submission of the entire proceedings connected with the case.

2. The petition with its enclosures should be returned.

By order,

Chief Secretary.

BANGALORE,

25/2/1898

M.G.C.P.B.—25-1-95—1,0

LR 83-97-3

Petition 42
1/4/98

Rect
2/4 Ref-petn
HK
4/4/98

MG
5/4/98

Noting
MG 5/4/98

Forms to Sub-Magistrate

Ad Sub-Collector calling for
the Patti Register & the
Pattis Register with Lemma
explanation.
HK
27/5/98

REVENUE DEPARTMENT
No. 7138
1st 5 35
APR 1
DEWAN'S OFFICE.
1897

(General Serial No. 30.) (3)

From

The Deputy Commissioner
Chitaldrug District

To

The ~~Chief~~ Secretary to the ~~Board~~ Govt. of Mysore.
General & Revenue Departments

Dated 26th
Despatched 29th } March 1898.

Received

Enclosures No. 3 with Record
General No. 598. and Diary No.
No. 848.

With reference to Special
Revenue Appeal No. 2 of 1897.
dated 25th February last,
in the matter to submit
herewith Records connect-
ed with the Patel of
Rayakuruhatti Village,
Challakere Taluk, as called
for in the above.-

2. The appeal petition
and its enclosures are
herewith submitted.

H. Channabasappa
for Deputy Commissioner
Chitaldrug District

41

From

The Secretary to the
Government of Mysore.

To The Deputy Commr
Chitaldrug District

Dated 2.3

Despatched June/98

Received

General No. 84
P. No. 1445

Enclosure No.

His docket No. 899/848 dated 26th March 1898 submitting the records connected with the appeal of K. Iffaiya, regarding the Patels of Nayakanhatti Challakere Taluk.

With reference to the above has the honour to request that the Deputy Commr will be good as to forward to this office as before the 20th inst. to

which date the appeal claim

posted, the Public Register for

1865-66 and the Porji Settlement

Register

of the Sadar together with Plans

Orders of $\frac{554}{573}$ and $\frac{654}{533}$ & 29-9-74 and 25-9-74 dated 25th September 1875, respectively,

the Amildar forwarded by Order

Bapu -

for Secretary.

27/5/98

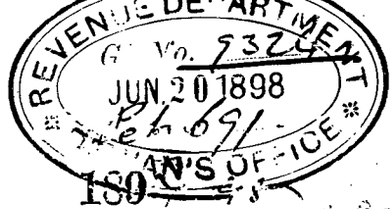
27/5/98

Petition M.
20-6-98
She files with
Mr. Somerville.

AHC
21/6/98.

La 23-9-98

Gen. 31]



180

(67)

From The Deputy Commissioner
Chitaldrug District
To The Secretary to the
Government of Mysore
General and Revenue
Dated
Despatched 17th June Departments
Received 1898

General No. 1119.
No. 1057.

Enclosure No. 4.

His docket No. Pet 11446
dated 3d June 1898 requesting
to forward the Cadeki
Register for 1805-06 and
the Pahji Settlement
Register together with
Deputy Commissioner's
Orders Nos. 558/573 and 632/633
dated 29th December 1874
and 25th September 1875
respectively to the
Amildar of Chellakere

in Connection with
the Sabeli of Nayakanahatti
Challakere Taluk.

With reference
to the above, has the
honor to submit
herewith, authenticated
extracts from the Sabeli
Registers for 1885-86 and
the Sabeli Settlement Registers
and the Deputy Commissioner's
Orders Nos. 558/573. and 504/633
dated 24th December 1887
and 25th September 1885
respectively to the Amildar
of Challakere.

D.K. Nanjundiah
for Deputy Commissioner

LR 8.3-97-6

Proceedings of the Govt of Mysore

Draft for approval
Hon'ble Executive Council
Mys 29/8/25
BM
29/8

Read:—

(1) Petition of appeal No. 57/1708 of 1897-98 presented by Kallappa Tippaya of Nayakanahatti, Chalkere Taluk, against the order of the Deputy Commissioner of Chitaldrug, rejecting the appellant's claim to the office of Patel of Nayakanahatti.

(2) Records of the case received with the Deputy Commissioner of Chitaldrug's Nos. 898/848 and 1119/1057, dated 26th March and 17th June 1898, from the Deputy Commissioner of Chitaldrug District.

Facts of the case.

Two persons named Kallappa and Kotrappa were the joint

Patel of Vajrakarhatta in 1874 when
the Deputy Commr Kallappa who
was, on account of old age
and infirmity, unable to
discharge the Patel duties, his
grandson Siddappa (appellant)
by the Deputy Commr in her place.
Ten months later, the Amildar
having reported that the
appellant was not the proper
Patel and that one Patel
was enough for the village, the
Dy Commr removed the appellant
and appointed Kallappa as
sole Patel. The latter also was
also confirmed at the Potgi
settlement in 1877-78 held the
office till his death in January
1897. Thereupon the appellant
claimed the office as a Bhavadia
But the Deputy Commr after enquiry

owing to advancing age
Kallappa resigned the office
with the permission of the
Dy Comm, in favour of his
grandson Siddappa, (the
appellant)

holding summary

rejected

the ~~appellant~~ his claim on the ground that he had ceased to have anything to do with the office long before and directed the ~~office to be expunged~~ cancelling the entry in the name of the deceased Kolrappa's grandson Siddu (respondent), the duties being performed by a manager during his minority. The present appeal is against the above order.

—w—

R.P. 2361 / F.T.25-98 17.9.98 Order thereon. P.

The respondent as the grandson of the last officiator and hakdar, is entitled to succeed to the office in preference to the appellant who has been out of office for more than 12 years; and the appellant has been properly ~~appointed~~ confirmed

the Deputy Commr. Lahaina's
appeal is therefore dismissed. His
claim can only be considered when
the deceased officiator's family
becomes extinct.

Draft:

For Secretary.

To The Deputy Commr
Childdress District
Leith Reserve.

9601

S.N.
29/8/98.

+ 23-5-1000 W
17-9-98

This was found among the papers
returned by the Res. C.C. & S.C. for
Sub. Dist. C.C. Hawk. Hyg. Lan Lan
whence appeal of by the Dist. C.C.

Sub. to Res. C.C. & S.C.
4/9/95

Res. Dist. C.C.
Should these papers be sent to the
2nd C.C.
4/9/95

9685

R 917-95
and 17-95